



14 November 2024

Please ask for: Planning Team  
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[REDACTED] Planning Team

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN  
[wminterchange@planninginspectorate.gov.uk](mailto:wminterchange@planninginspectorate.gov.uk)

Dear Sir/Madam,

**Reference: 24/00942/WMI**

Proposal: Planning Act 2008: Proposed Non-Material Change to the West Midlands Rail Freight Interchange Order 2020 (as amended by The West Midlands Rail Freight Interchange (Correction) Order 2020) and The West Midlands Rail Freight Interchange (Amendment) Order 2023) to permit an increase in the target AOD finished road level in the area of the proposed A5/A449 Link Road from +105.6m AOD to +107.2m AOD.  
Address: West Midlands Interchange, Watling Street/Wolverhampton Road, Gailey

I write to you on behalf of South Staffordshire District Council regarding the abovementioned application.

**Proposal**

It is noted that the proposed amendments include:

- an increase in the target AOD finished road level, in the area of the proposed A5/A449 Link Road, from +105.6m AOD to +107.2m AOD; and
- an associated increase in height, by 0.7m, of the neighbouring landscaping bund.

To enable this alteration, it is necessary to replace the approved Parameters Plan, relating to Development Zones, Building Heights & Floor Levels and Green Infrastructure.

The works are necessary in order to;

- Provide sufficient vertical cover to the new culvert, which is to divert the canal feeder channel from Calf Heath Reservoir, into the Staffordshire and Worcestershire Canal, to be installed underneath the link road;
- Deliver a gravity driven surface water drainage scheme connecting the link road to the new nearby surface water attenuation pond; and
- Provide a vertical highway geometry design.



## Assessment

Communities and Government documents Planning Act 2008: Guidance on (h 11) notes that there may be certain characteristics that indicate that a change should be treated as a material change. Paragraphs 12 to 16 provide four

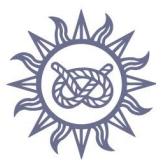
- i. A change should be treated as material if it would require an updated Environmental Statement (ES) (from that at the time the original Development Consent Order was made) to take account of new, or materially different, likely significant effects on the environment;
- ii. A change to a Development Consent Order is likely to be material if it would invoke a need for a Habitats Regulations Assessment. Similarly, the need for a new or additional license in respect of European Protected Species is also likely to be indicative of a material change;
- iii. A change should be treated as material that would authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised through the existing Development Consent Order; and
- iv. The potential impact of the proposed changes on local people will also be a consideration in determining whether a change is material. In some cases, these impacts may already have been identified, directly or indirectly, in terms of likely significant effects on the environment. But there may be other situations where this is not the case and where the impact of the change on local people and businesses will be sufficient to indicate that the change should be considered as material. Additional impacts that may be relevant to whether a particular change is material will be dependent on the circumstances of a particular case, but examples might include those relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.

Assessing the proposed amendments against the characteristics as detailed:

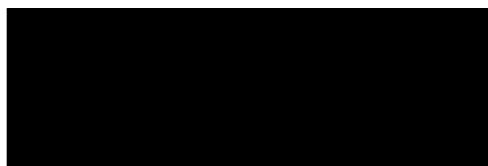
- The increase in land levels of one spot height of the link road is not considered, in the context of the wider development, to result in any new material environmental consideration that would necessitate the need for an amendment to the previously agreed ES;
- It is acknowledged that the Inspectorate are the Competent Authority in the matter of HRA, but it is considered that the amendment would not result in an increase in traffic, beyond levels previously considered and as such, would not create any uplift in NOx arising from the scheme. As such no new impact to surrounding protected sites will result as a consequence of this proposed change;
- No additional land outside of the DCO is required to enable this change;
- The sole environmental impact arising is to the surface water drainage scheme for the development. It will be for the LLFA to comment on the suitability of this change; and
- No new impacts upon the reasonable amenity of residents are considered to arise as a consequence of the proposed amendments.

Given the above, the LPA offers no objection to the amendments.

We trust the above is useful, however, please do not hesitate to contact us if you wish to discuss further.



Kind Regards,



Michael Brown  
Strategic Projects Assistant Team Manager